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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998.806	11/01/2001	Arthur Wong	8317	5927

27752 7590 04/22/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

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DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,806

Applicant(s)

WONG ET AL.

Examiner

Elizabeth M Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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1. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable one of skill in the art to make a multi-layer substrate wherein the substrate is essentially free of a binder material that is incompatible with a liquid composition. There are multitudes of liquid compositions. The specification does not enable one of skill to make a substrate which is compatible with every liquid composition which exists.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant by "incompatible with a liquid composition". Specifically, how would a binder be compatible or incompatible with a liquid composition? Does this mean it is or is not soluble, etc? The scope of the claim is not clear.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Amundson et al, U.S. Patent No. 6,028,018. Amundson et al discloses a wet wipe comprising a plurality of layers. The layers may comprise a mixture of thermoplastic fibers, (such as hydrophobic polyolefin fibers), and natural cellulosic fibers, (which are hydrophilic). The proportions of the hydrophobic and hydrophilic fibers in the layers may be varied. Thus, a wet wipe may be formed comprising an inner layer, (which would correspond to the reservoir layer claimed), wherein the cellulosic fiber to polymer fiber ratio is 50/50 to about 75/26 which encompasses the claimed ranges. See col. 5, lines 1-10. The mixture of natural and polymer fibers may be such that the relative percentages of polymeric fibers and natural fibers can vary widely depending on the desired characteristics and may range from 20-95 weight percent of polymeric fibers. See col. 4, lines 29-40. Outer layers may be formed wherein the ratio of pulp to polymer is from 50/50 to 72/25, which encompasses the claimed range, or may be formed without any additional cellulosic fibers. See col. 4, lines 11-27, which describes the desirability of having soft outer layers. The basis weights of the inner and outer layers may be divided so that the outer/inner/outer layer weight ratio is from 10/80/10 to 40/20/40. The wet wipe may have a total basis weight of anywhere from 25-120 gsm. See col. 5, line 53 - col. 6, line 10. Thus, the basis weights of the layers of Amundson would encompass the claimed range. The wet wipe need not have three layers, but may comprise only two. Each of the layers may be formed by a coform process, air laying, carding or meltblowing. See col. 7, lines 1-12. The layers may further be thermally bonded together. See col. 5, lines 25-34.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amundson et al, U.S. Patent No. 6,028,018 in view of Piccini et al, U.S. Patent No. 6,548,136.

Amundson discloses a wet wipe as set forth above. Amundson differs from the claimed invention because while Amundson does disclose a wet wipe wherein the liquid impregnant comprises a surfactant, (see col. 2, lines 59-67), and further discloses the claimed amounts of the liquid composition, see col. 3, lines 1-17, Amundson does not specifically disclose the use of an alkoxylated nonionic surfactant. Piccini et al teaches at col. 9, line 55 - col. 10, line 39, that nonionic alkoxylated surfactants having the claimed structure are suitable for use in making up liquid compositions which are impregnated into fabrics to form disposable wet wipes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated an alkoxylated nonionic surfactant as taught by Piccini into the impregnating composition of Amundson. One of ordinary skill in the art would have been motivated to employ an alkoxylated nonionic surfactant because Piccini teaches that such surfactants are well known and conventionally used in such liquid compositions.

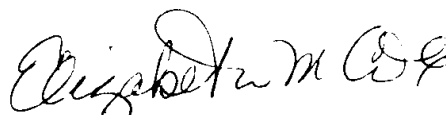
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

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Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth M. Cole
Primary Examiner
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e.m.c

April 15, 2003